

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

MARK S. CHERRY, ESQUIRE
385 KINGS HIGHWAY NORTH
SUITE 101
CHERRY HILL, NJ 08034
PHONE: (856) 667-1234

IN RE:
Gladys Montalvo/Nancy Tesalona POA

Case No.: 24-10726
Chapter: 13
Hearing Date:
Judge: Michael B. Kaplan

**NOTICE OF MOTION TO VACATE DISMISSAL
AND REINSTATE THE AUTOMATIC STAY**

MARK S. CHERRY, ESQ., attorney for Debtor, has filed papers with the court requesting vacate dismissal of case and reinstate the automatic stay.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date:

Hearing Time:

Hearing Location: 402 State Street, Trenton, NJ 08608 CR#8

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

*MARK S. CHERRY, ESQUIRE,
385 NORTH KINGS HWY
CHERRY HILL, NJ 08034*

*Albert Russo Standing Chapter 13 Trustee
CN 4853
Trenton, NJ 08650*

*US Trustee
US Dept. of Justice
Office of US Trustee
One Newark Center
Suite 2100
Newark, NJ 07102*

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: 5/7/2024

/s/ Mark S. Cherry, Esq.
Signature of Attorney for Debtor

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CERTIFICATION OF DEBTOR(S)

I, Gladys Montalvo, Nancy Tesalona, POA, debtor in this case, submits this Certification in support of my Motion to Vacate Dismissal of Bankruptcy Case and Reinstate the Automatic Stay.

1. As I am the Debtor, I am fully familiar with the facts set forth below.
2. I filed for a Chapter 13 bankruptcy on January 26, 2024,
3. On April 10, 2024 my case was dismissed for missing documents which were needed to request a new 341 Hearing along with trustee arrears.
3. I have paid all Trustee payments to date.
4. I have also filed the missing documents.
5. It is and was my intention to save my home and I respectfully ask that my case be reinstated.

I certify under penalty of perjury that the above is true and correct to the best of my knowledge.

Date: May 7, 2024

/s/ Nancy Tesalona
Signature of the Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

MARK S. CHERRY, ESQUIRE
385 NORTH KINGS HIGHWAY, SUITE 101
CHERRY HILL, NJ 08034
(856) 667-1234

In Re:
Gladys Montalvo/ Nancy Tesalona POA

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STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the Court's consideration of this motion, as it does not involve complex issues of law.

Date: May 7, 2024

/s/ Mark S. Cherry, Esq.
Attorney for the Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

MARK S. CHERRY, ESQUIRE
385 NORTH KINGS HIGHWAY
SUITE 101
CHERRY HILL, NJ 08034
PHONE: (856) 6667-1234

In re:

Gladys Montalvo/Nancy Tesalona POA

Case No.: 24-17026

Chapter: 13

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CERTIFICATION OF SERVICE

1. I, Terresa LaBance:

☐ represent _____ in this matter.

☒ am the secretary/paralegal for MARK S. CHERRY, ESQUIRE , who represents the DEBTOR, Gladys Montalvo, in this matter.

☐ am the _____ in this case and am representing myself.

2. On May 7, 2024, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.]

☒ Notice of Motion to Vacate Dismissal and Reinstate the Automatic Stay.

☒ Certification in Support of Motion to Vacate Dismissal of Bankruptcy Case and Reinstate the Automatic Stay.

☒ Statement as to Why No Brief is Necessary

☒ Proposed Order Granting Motion to Vacate Dismissal and Reinstate the Automatic Stay.

☒ Application to Shorten Time

☒ Proposed Order to Shorten Time

☒ Other – CERTIFICATION OF MAILING

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: May 7, 2024

/s/ Terresa LaBance

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<i>US Trustee US Dept of Justice Office of the US Trustee One Newark Center, Suite 2100 Newark, NJ 07102</i>	<i>Trustee</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other ECF FILING (As authorized by the court or rule. Cite the rule if applicable.)
<i>Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650</i>	<i>Trustee</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other ECF FILING (As authorized by the court or rule. Cite the rule if applicable.)
<i>US Bankruptcy Court 401 East State Street Trenton, NJ 08608</i>	<i>Clerk</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other CF FILING (As authorized by the court or rule. Cite the rule if applicable.)

All Creditors

☐ Hand-delivered

☒ Regular mail

☐ Certified mail/ Return receipt requested

☐ Other ECF FILING